

**REMARKS**

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claim 1 is cancelled, claims 2-6 are amended herein and claims 7-8 are added. Thus, claims 2-8 are now pending in this application. Of these, only claim 1 is independent.

In the Office Action, the Examiner rejected claims 1-6, under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By means of this Amendment, Applicant has cancelled claim 1, amended claims 2-6, and added claims 7-8 to further clarify the invention and with consideration to the informalities noted in the Office Action. The claims are now believed to overcome the rejection under 35 U.S.C. 112, second paragraph, and withdrawal thereof is respectfully requested.

In the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. 102(e) as being clearly anticipated by Sprakel et al. (US Patent No. 5,967,239, hereinafter US '239), because US '239 discloses a device for extinguishing fires using a bursting disk as claimed in the instant invention. Applicant notes that the inventor of the present application, Mr. Dirk K. SPRAKEL, is also a named inventor of US '239. Applicant submits herewith a sworn Declaration signed by Mr. Sprakel in which he declares that any subject matter claimed herein and which also appears in US '239 is derived from him, and that he is the sole inventor of that subject matter. Therefore, this Declaration overcomes the rejection under 35 U.S.C. 102(e). See MPEP § 2136.05.


In view of the foregoing, it is believed that the present application is now in condition for allowance and a favorable action on the merits is respectfully requested.

The Commissioner is authorized to deduct any fees resulting from this Amendment from deposit account number 16-2500 of the undersigned.

The undersigned attorney requests that the Examiner contact him at the telephone number indicated below if it would help expedite prosecution of this application.

Respectfully submitted,

PROSKAUER ROSE LLP

By   
Charles Guttman  
Reg. No. 29,161

Date: May 21, 2004

PROSKAUER ROSE LLP  
1585 Broadway  
New York, New York 10036-8299  
(212) 969-3000

Enclosure: Declaration Under 37 C.F.R. §1.132; Petition for a three month extension of time